



NEVADA STATE BOARD OF PHARMACY

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MINUTES

July 15 & 16, 2020

BOARD MEETING

Hilton Garden Inn
7830 S Las Vegas Blvd
Las Vegas NV

Board Members Present:

Krystal Freitas	Jade Jacobo	Wayne Mitchell	Helen Park
Gener Tejero	Richard Tomasso	Rolf Zakariassen	

Board Staff Present:

Dave Wuest	Yenh Long	Brett Kandt	Kristopher Mangosing
Dena McClish	Joe Dodge	Luis Curras	Kenneth Scheuber
Leo Basch	Shannon Reichman		

President Park read the mission statement of the Nevada State Board of Pharmacy to reiterate the Board's duty to carry out and enforce the provisions of Nevada Law to protect the health, safety, and welfare of the public.

Mr. Wuest gave direction to Board members, staff, and attendees about Covid-19 social distancing protocols and the Governor's Directives. Mr. Wuest also clarified protocols on recusal for Board Members.

1. Call to Order and Roll Call – Establishment of Quorum

President Park performed the roll call. All Board Members were present and a quorum was established.

2. Public Comment July 15th, 2020 9AM

Mr. Wuest stated that written public comments were submitted which will be read into the recording during the appropriate agenda item.

3. Approval of June 3, 2020, Minutes

Board Action:

Motion: Jade Jacobo moved to approve the June 2020 minutes pending the correction of the spelling of “Evelyn Chu”.

Second: Wayne Mitchell

Action: Passed unanimously

4. Applications for Out-of-State Pharmacy License – Non Appearance

- A. Alliance Pharmacy – Fort Worth, TX
- B. Alto Pharmacy – Denver, CO
- C. AnovoRx Group, LLC – Memphis, TN
- D. Blue Sky Specialty Pharmacy – Mount Pleasant, SC
- E. CLRX DENTON – Denton, TX
- F. CRx Specialty Solution Pharmacy – Natchitoches, LA
- G. Ethical Factor Rx – Moosic, PA
- H. Invictus Pharmacy – Kearny, NJ
- I. Medici Pharmacy – Sugar Land, TX
- J. Nephron Pharmacy LLC – West Columbia, SC
- K. Pearland Unicare Pharmacy, LLC – Pearland, TX
- L. Phil Pharmacy Solutions LLC – Columbus, OH
- M. Premier Specialty Infusion LLC – Hoffman Estates, IL
- N. Southern Hometown Pharmacy – Pooler, GA
- O. Transition Pharmacy – Trevese, PA

Application for Out-of-State Compounding Pharmacy License – Non Appearance

- P. ADAMAS RX – Arlington, TX
- Q. Peninsula Compounding – Long Beach, WA
- R. The Medicine Shoppe – Riverside, CA

Applications for Out-of-State Medical, Devices, Equipment and Gases License – Non Appearance

- S. Premier Medical Products Inc. – Rocklin, CA

Applications for Nevada Medical, Devices, Equipment and Gases License – Non Appearance

Applications for Out-of-State Wholesaler License – Non-Appearance

Background Check Not Required by Law.

- A. Distributor for Single Manufacturer (NAC 639.593(7)(e))
None

B. Manufacturer (NAC 639.593(7)(d))

- T. Amici Pharmaceuticals LLC – Melville, NY
- U. Foamix Pharmaceuticals Inc. – Bridgewater, NJ
- V. ICU Medical Sales, Inc. – Salt Lake City, UT
- W. Medimetrius Pharmaceuticals, Inc – Fairfield, NJ
- X. Pharmacosmos Therapeutics Inc. – Watchung, NJ
- Y. Servier Pharmaceuticals LLC – Boston, MA

C. Publicly Traded (NAC 639.593(7)(a))

None

D. VAWD-Accredited (NAC 639.593(7)(c))

- Z. San Diego Wholesale Distribution – Ontario, CA

E. Manufacturer and VAWD-Accredited (NAC 639.593(7)(c) and (d))

None

F. Publicly Traded and Manufacturer (NAC 639.593(7)(a) and (d))

- AA. ADMA Biologics, Inc. – Boca Raton, FL
- BB. Argenx US, Inc – Boston, MA
- CC. electroCore, Inc. – Basking Ridge, NJ
- DD. Revance Therapeutics, Inc. – Newark, CA
- EE. Verrica Pharmaceuticals Inc. – West Chester, PA

G. Publicly Traded and VAWD-Accredited (NAC 639.593(7)(a) and (c))

None

Background checks completed in compliance with NRS 639.500. No Disqualifying Events.

- FF.US VET, INC. – Hamilton, NY

Application for Nevada Pharmacy License – Non Appearance

- GG. Optum Infusion Services 501, Inc. – Las Vegas, NV
- HH. Valley Health Surgery and Rehab Hospital Pharmacy – Las Vegas, NV

President Park recused from participation regarding Item 4GG due to the business relationship that her employer has with CVS Health.

Jade Jacobo recused from participation regarding Item 4GG due to employment with Optum Specialty.

Krystal Freitas disclosed she has a business relationship with Item 4J, but stated that she can participate in this matter fairly and without bias.

Krystal Freitas recused from participation regarding Agenda Item 4HH due to her employment.

Board Action:

Motion: Jade Jacobo moved to approve the Consent Agenda excluding agenda items 4GG and 4HH.

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

Motion: Wayne Mitchell moved to approve items 4GG and 4HH

Second: Richard Tomasso

Action: Passed Unanimously

5. Disciplinary hearings pursuant to NRS 639.247

- A. Glory K. Remley, RPh (18-096-RPH-A-S)
- B. Jessica L. Huey, RPh (18-096-RPH-B-S)
- C. Walmart Pharmacy #10-3728 (18-096-PH-S)

This matter was continued to a future meeting.

- D. Katherine Keuhl, RPh (19-035-RPH-B-S)

This matter was continued to a future meeting.

- E. Jevons Wang, PT (20-008-PT-S)

Jevons Wang was not present.

Brett Kandt provided background on the case, that on January 17th, 2019 the Board approved Mr. Wang's application for registration as a pharmaceutical technician, with conditions that Mr. Wang enroll in the Professionals Reaching Nevada-Pharmacist/Tech Recovery Network (PRN-PRN) program for one year and comply with all terms and conditions of the PRN-PRN contract, due to his history of substance abuse.

On January 15th, 2020, Mr. Wang was terminated from the PRN-PRN program due to lack of attendance. Respondent's Certificate of Registration No. PT21836 is therefore subject to revocation or suspension pursuant to NRS 639.210(5).

Mr. Kandt called Kristopher Mangosing, Board Staff, as a witness.

Kristopher Mangosing appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Mangosing testified that Mr. Wang was sent the Notice of Intended Action and Accusation by certified mail. Mr. Mangosing reviewed documentation showing that Mr. Wang was properly served at his address of record.

Mr. Kandt moved to enter Exhibits 1 and 2 into the record.

President Park admitted Exhibits 1 and 2 into the record.

Board Action:

Motion: Jade Jacobo moved that Jevons Wang was properly served the Notice of Intended Action and Accusation in compliance with Nevada Law.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved that the Board has jurisdiction over this matter according to Nevada law.

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

Motion: Wayne Mitchell moved that based on the evidence and testimony presented that the factual allegations in the Notice of Intended Action and Accusation are true.

Second: Jade Jacobo

Action: Passed unanimously.

Board Action:

Motion: Krystal Freitas moved that as a matter of law, by failing to comply with the terms and conditions of the PRN-PRN program contract, Jevons Wang is subject to discipline.

Second: Jade Jacobo

Action: Passed unanimously.

Board Action:

Motion: Wayne Mitchell moved that Jevons Wang Pharmaceutical Technician registration number PT21836 is revoked.

Second: Rolf Zakariassen

Action: Passed unanimously.

6. Petition for Reinstatement of Controlled Substance Registration and Request to Appear Before the Board – Appearance

Craig Weingrow, MD

(17-066-CS-S)

Mr. Kandt summarized the facts of the case where Dr. Weingrow's Controlled Substance Registration and Practitioner Dispensing Registration were revoked in July 2018 for dispensing controlled substances and dangerous drugs and allowing controlled substances and dangerous drugs to be dispensed to patients without his handwritten prescription on each prescription. Dr. Weingrow also allowed members of his staff to falsify his signature on prescriptions for medications that had already been dispensed.

Craig Weingrow appeared and was sworn by President Park prior to answering questions or offering testimony.

Jeffrey Setness was present as counsel representing Dr. Weingrow.

Mr. Setness presented information regarding the type of practice Dr. Weingrow intends to open and the list of controlled substance medications Dr. Weingrow intends to prescribe for his patients.

Dr. Weingrow and Mr. Setness answered questions to the Board's satisfaction regarding the status of his registration with the Nevada State Board of Medical Examiners.

Board discussion ensued regarding Dr. Weingrow's practice and potentially placing restrictions on Dr. Weingrow's Controlled Substance Registration.

Mr. Setness explained that imposing restrictions on Dr. Weingrow's registration would make it difficult for him to obtain a job. Mr. Setness requested the Board consider approving Dr. Weingrow's registration without restrictions.

Board discussion ensued regarding the list of controlled substance medications Dr. Weingrow intends to prescribe to patients and to require Dr. Weingrow to report his prescribing history to the Board.

Board Action:

Motion: Jade Jacobo moved to reinstate Craig Weingrow's Controlled Substance Registration with conditions. Dr. Weingrow shall only prescribe the controlled substances listed in Exhibit 2. Dr. Weingrow shall appear before the Board for prior authorization to make any amendments to the list of controlled substances he may prescribe. Dr. Weingrow shall report his controlled substance prescribing every quarter to Board staff.

Second: Wayne Mitchell

Action: Passed unanimously.

7. Applications for Controlled Substances Registration – Appearance:

A. Charles Kamen, MD

Charles Kamen appeared and was sworn by President Park prior to answering questions or offering testimony.

Lynn Beggs was present as counsel representing Dr. Kamen.

Ms. Beggs stated that Dr. Kamen disclosed that in 2014 he was arrested and charged for driving under the influence which led to the suspension of his New York DEA certificate and New York Medical license. Ms. Beggs stated that Dr. Kamen is still attending therapy and participating in a recovery program.

Ms. Beggs requested the Board go into Closed Session to discuss the specifics of Dr. Kamen's recovery.

Board Action:

Motion: President Park moved to enter into Closed Session.

Second: Richard Tomasso

Action: Passed unanimously.

Board Action:

Motion: President Park moved to enter into Open Session.

Second: Jade Jacobo

Action: Passed unanimously.

Dr. Kamen answered questions to the Board's satisfaction regarding his recovery and license status with the Nevada State Board of Medical Examiners.

Board Action:

Motion: Jade Jacobo moved to approve Charles Kamen's Controlled Substance Registration application.

Second: Wayne Mitchell

Action: Passed unanimously.

B. Stephen R. Lauterbach, MD

Stephen Lauterbach appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Kandt stated that Dr. Lauterbach disclosed past administrative action and discipline on his application.

Dr. Lauterbach summarized the facts of his 2002 conviction for domestic violence, 2010 arrest for suspicion of driving under the influence and 2016 assault conviction.

Dr. Lauterbach explained that his New York medical license was placed on probation in 2003 in relation to his domestic violence charge.

Dr. Lauterbach answered questions to the Board's satisfaction regarding his legal history, recovery, treatment plans, and employment history.

Board Action:

Motion: Gener Tejero moved to approve Stephen Lauterbach's Application for Controlled Substance Registration.

Second: Rolf Zakariassen

Action: Passed unanimously.

C. Justin R. Sempsrott, MD

Mr. Wuest provided some background information that Dr. Sempsrott's registration had expired. Dr. Sempsrott requested a temporary Controlled Substance registration which was granted, and he is requesting a Controlled Substance registration.

Justin Sempsrott appeared and was sworn by President Park prior to answering questions or offering testimony.

Dr. Sempsrott explained that he disclosed that he has been investigated by the Nevada State Board of Medical Examiners and the Idaho Board of Pharmacy. Dr. Sempsrott disclosed that he was addicted to opiates and had described an occurrence in 2017 where he was contemplating diverting fentanyl from Sunrise Hospital.

Dr. Sempsrott disclosed that he entered into a rehabilitation facility and successfully completed the program. He is currently in contract with the Nevada Professionals Assistance Program and is in good standing.

Dr. Sempsrott answered questions to the Board's satisfaction regarding his recovery and participation in PRN-PRN.

Board Action:

Motion: Gener Tejero moved to approve Justin Sempsrott's Application for Controlled Substance Registration.

Second: Rolf Zakariassen

Action: Passed unanimously.

8. Applications for Pharmacist Registration by Reciprocation – Appearance:

Ronak A. Desai

Ronak Desai appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Wuest provided background information that Ms. Desai disclosed a pending legal action in another state.

Ms. Desai explained that she was the managing pharmacist at Park Pharmacy. She stated that Park Pharmacy was investigated regarding improper compounding practices and record keeping. She explained that she was ordered to complete 10 hours of additional continuing education regarding sterile compounding.

Ms. Desai stated that she did not have the necessary training or knowledge to be the managing pharmacist and accepted responsibility for her errors

Ms. Desai answered questions to the Board's satisfaction.

Board Action:

Motion: Gener Tejero moved to approve Ronak Desai's Application for Pharmacist Registration by Reciprocation.

Second: Jade Jacobo

Action: Passed unanimously.

9. Application for Advanced Practice Registered Nurse Prescribe Registration - Appearance:

Lonny D. Krause, APRN

Lonny Krause appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Krause disclosed that in 2013 and 2014 he was charged for minor in possession and in 2015 he was charged for driving while impaired. Mr. Krause states that he received an evaluation by a mental health advisor and does not have any other of history of substance abuse.

Mr. Krause answered questions to the Board's satisfaction regarding his past legal history and treatment.

Board Action:

Motion: Jade Jacobo moved to approve Lonny Krause's Application for Advanced Practice Registered Nurse Prescribe Registration.

Second: Krystal Freitas

Action: Passed unanimously.

10. Petition for Reinstatement of Pharmaceutical Technician Registration pursuant to NRS 639.2565.

Cindy A. Orwick (12-047-PT-S)

Cindy Orwick appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Orwick stated that she was disciplined by the Board in 2012 for testing positive for methamphetamine. She explained that she enrolled into a treatment program with PRN-PRN and presented a Letter of Recommendation from Larry Espadero, PRN-PRN.

Mr. Kandt read into the record the Meeting Minutes from Ms. Orwick's case in 2012.

Board discussion ensued regarding verification of the Letter or Recommendation from Mr. Espadero.

President Park offered Ms. Orwick the option to table this matter while Board staff verifies Mr. Espadero's Letter of Recommendation and to allow her time to provide Board staff with letters of reference and drug screening results from her current employer.

The Board tabled Ms. Orwick's application at her request.

11. Applications for Pharmaceutical Technician in Training Registration - Appearance:

A. Gina Chiofolo

Gina Chiofolo appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Chiofolo disclosed that in 2017 she was charged for petty larceny and in 2019 she was charged for a DWI.

Ms. Chiofolo stated that she completed a court mandated program in regard to her DWI and explained that the 2017 petty larceny case was dismissed.

After discussion, the Board requested that Ms. Chiofolo provide legal documentation regarding both cases.

President Park offered Ms. Chiofolo the option to table this matter until she could provide documentation of her cases to Board staff.

The Board tabled this matter at Ms. Chiofolo's request.

B. Kellie M. Hillard

Ms. Hillard was not present.

Mr. Wuest stated that Board staff would reach out to Ms. Hillard and continue this matter to a future meeting.

C. Atavia C. Jackson

President Park disclosed that her employer has a business relationship with CVS pharmacy but stated that she is able to participate fairly and without bias.

Rolf Zakariassen disclosed that he is employed by CVS pharmacy but stated that he is able to participate fairly and without bias.

Atavia Jackson appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Jackson disclosed that in 2019 she was charged for driving under the influence and explained that she was detained for 30 hours at that time for an unpaid parking ticket.

After discussion, the Board requested that Ms. Jackson provide legal documentation regarding her past history.

The Board offered Ms. Jackson the option to table this matter to a future meeting to allow her time to submit legal documentation to Board staff.

The Board tabled Ms. Jackson's Application for Pharmaceutical Technician in Training Registration at her request.

D. Alexander E. Peralta

Alexander Peralta appeared and was sworn prior to answering questions and offering testimony.

Mr. Peralta disclosed a DUI that occurred in July of 2020. He explained that he was ordered to attend a victim's panel, attend ten alcoholics' anonymous meetings and pay a fine.

Board discussion ensued regarding having Mr. Peralta evaluated by PRN-PRN.

Board Action:

Motion: Jade Jacobo moved to approve Alexander Peralta's Application for Pharmaceutical Technician in Training pending a positive evaluation by PRN-PRN.

Second: Krystal Freitas

Action: Passed unanimously.

E. Brittani N. Walters

Brittani Walters appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Walters disclosed that in 2012 she was charged for petty theft and in 2014 she received a DUI.

The Board expressed concern that Ms. Walters did not disclose her 2014 DUI on her application.

After Board discussion, President Park offered Ms. Walters the option to table this matter to a future meeting to allow her time to submit an amended application and documentation regarding her DUI.

The Board tabled Ms. Walter's Application for Pharmaceutical Technician in Training Registration at her request.

12. Application for Pharmaceutical Technician Registration - Appearance:

Courtney R. Lee

Courtney Lee was not present.

13. Application for Pharmacist Registration Renewal - Appearance:

A. Deepa Ramaswamy, R.Ph

President Park called Deepa Ramaswamy forward.

Deepa Ramaswamy was not present.

President Park tabled this matter to the September 2020 Board meeting.

B. Massoud Zarkesh, R.Ph

Massoud Zarkesh appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Zarkesh disclosed administrative action on his license in California on his renewal application for Nevada Pharmacist Registration.

Mr. Zarkesh explained that in 2019 his California Pharmacist Registration was revoked, the revocation stayed and placed on probation for three years. Mr. Zarkesh stated that he was the managing pharmacist at a pharmacy that was disciplined for failure to report CURES data, subverting an investigation, dispensing the wrong medication, unauthorized refills and missing required information on prescriptions.

Mr. Zarkesh answered the Board's questions regarding his past discipline and current restrictions on his California Pharmacist Registration.

Board Action:

Motion: Richard Tomasso moved to approve Massoud Zarkesh's Renewal Application for Pharmacist Registration with the same conditions as California. Mr. Zarkesh shall not be a managing pharmacist or own a pharmacy in Nevada without appearing before the Board for approval.

Second: Gener Tejero

Aye: Tejero, Mitchell, Jacobo, Freitas, Tomasso, Zakariassen

Nay: Park

Action: Motion carries

14. Applications for Pharmaceutical Technician Registration Renewal - Appearance:

A. Eyosias Bekele

President Park called for Eyosias Bekele.

Eyosias Bekele was not present.

Mr. Kandt stated that Mr. Bekele emailed Board staff that he was in attendance but left due to his work schedule.

This matter was continued to a future Board meeting.

B. Mohd Fiazean

Mohd Fiazean appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Fiazean stated that his Pharmaceutical Technician Registration was previously issued, but he did not disclose a DUI charge that occurred in 2016.

The Board questioned Mr. Fiazean regarding why he did not disclose his DUI on his original application.

Mr. Fiazean stated that he was afraid of the consequences and accepted responsibility for not honestly answering the questions on his application.

The Board expressed concern regarding Mr. Fiazean's integrity and stressed the importance of pharmaceutical technician's role in patient care.

Board discussion ensued regarding the procedure regarding falsified applications.

Board Action:

Motion: Gener Tejero moved to cancel Mohd Fiazean's Pharmaceutical Technician in Training application. Mr. Fiazean may re-apply as soon as he wants pursuant to NRS 639.281

Second: Jade Jacobo

Action: Passed unanimously.

15. Application for Advanced Practitioner of Nursing Dispensing Registration – Appearance

John Phoenix, APRN

This matter was continued to the September 2020 Board Meeting.

16. Applications for Out-of-State Compounding Pharmacy License – Appearance

A. DYL LLC South Lake Pharmacy – Zephyrhills, FL

Hector Medrano, managing pharmacist and owner, appeared and was sworn by President Park prior to answering questions or offering testimony.

Joe Dodge questioned Mr. Medrano regarding DYL LLC South Lake Pharmacy's policies and procedures regarding compounding including but not limited to: overnight shipping and temperature packs, potency testing, stability testing, and environmental checks.

Mr. Medrano answered the questions to the Boards satisfaction.

The Board removed the affidavit not to ship sterile compounded products into Nevada from DYL LLC South Lake Pharmacy's Application at Mr. Medrano's request.

Board Action:

Motion: Jade Jacobo moved to approve DYL LLC South Lake Pharmacy's Application for Out of State Compounding Pharmacy License.

Second: Wayne Mitchell

Action: Passed unanimously.

B. INFUCARE RX LLC – Aston, PA

Scott Bell, pharmacist, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Dodge questioned Mr. Bell regarding Infucare Rx LLC's sterile compounding procedures, product shipping, product testing, and staff training.

Mr. Bell answered questions to the Board's satisfaction.

Board Action:

Motion: Wayne Mitchell moved to approve Infucare Rx LLC's Application for Out-of-State Compounding Pharmacy License.

Second: Krystal Freitas

Action: Passed unanimous

C. Revive Rx – Houston, TX

Aaron Schneider, managing pharmacist, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Schneider stated that Revive Rx primarily provides urology and endocrinology medication. He explained that they are licensed in 21 other states and most of the compounding is non-sterile.

Mr. Schneider answered Mr. Dodge's questions to the Board's satisfaction regarding Revive Rx's products and services provided, product testing, sterilization and shipping.

Board Action:

Motion: Jade Jacobo moved to approve the application for Revive Rx.

Second: Rolf Zakariassen

Action: Passed unanimously.

17. Applications for Out-of-State Pharmacy License – Appearance

A. Cardinal Health 414, LLC – Sacramento, CA

Jesse Rickelman, managing pharmacist for Cardinal Health Las Vegas location, appeared and was sworn by President Park prior to answering questions or offering testimony.

Wayne Mitchell disclosed that he has a business relationship with Cardinal Health, but stated that he can participate in this matter fairly and without bias.

Mr. Wuest stated that Cardinal Health submitted a Letter of Authorization allowing Mr. Rickelman to speak on behalf of the company.

Mr. Kandt read a summary of Cardinal Health's disciplinary history into the record.

Mr. Wuest stated that Cardinal Health 414 obtained a temporary license with the Nevada Board of Pharmacy and is requesting licensure.

Mr. Rickelman answered questions to the Board's satisfaction regarding Cardinal Health's policies and procedures, and services provided.

Board Action:

Motion: Gener Tejero moved to approve Cardinal Health 414 LLC's Application for Out of State Pharmacy License.

Second: Jade Jacobo

Action: Passed unanimously.

B. Genoa Healthcare LLC – Kingman, AZ

Dave Harris appeared and was sworn by President Park prior to answering questions or offering testimony.

Jade Jacobo disclosed that her employer owns Genoa Health Care but stated that she can participate in this matter fairly and without bias.

Mr. Harris stated that Genoa Healthcare LLC is a retail community pharmacy that performs no compounding services.

Mr. Harris disclosed that Genoa Healthcare LLC has had prior discipline in other states. He explained that in 2018 the company was disciplined by the Oregon Board of Pharmacy for failing to report a temporary managing pharmacist and in 2019 the Arizona Board of Pharmacy disciplined the company for failure of not complying with Arizona regulations regarding shared after-hours pharmacy service.

Mr. Harris answered questions to the Boards satisfaction.

Board Action:

Motion: Jade Jacobo moved to approve the application for Genoa Healthcare LLC pending receipt of a Letter of Authorization.

Second: Krystal Freitas

Action: Passed unanimously.

18. Application for Out-of-State Medical, Devices, Equipment and Gases License – Appearance

A. Cardinal Health 108, LLC – Laverne, TN

This matter was heard in conjunction with Agenda Items 20 B and 23.

Mr. Rickelman appeared on behalf of Cardinal Health. President Park reminded Mr. Rickelman that he is still under oath.

Mr. Wuest stated that the disciplinary history Mr. Kandt read into the record for Cardinal Health 414 LLC applies to these applications as well.

Board Action:

Motion: Jade Jacobo moved to approve Cardinal Health 108, LLC's Application for Out-of-State Medical, Devices, Equipment and Gases License.

Second: Gener Tejero

Action: Passed unanimously.

B. Medical Action Industries, Inc. - Arden, NC

This Agenda Item has been continued to a future Board Meeting.

19. Application for Nevada Wholesaler License – Appearance

Crane Pharmaceuticals, Inc. – Las Vegas, NV

Siamak Adampour, CEO, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Wuest explained that Board staff has completed an inspection of the facility.

Mr. Dodge reported that during his inspection of Crane Pharmaceuticals, Inc. the company complied with all requirements.

The Board questioned Mr. Adampour regarding the products and services provided by Crane Pharmaceuticals, Inc.

Mr. Adampour was unable to adequately answer questions to the Boards satisfaction.

President Park offered Mr. Adampour the option to table this matter to a future Board meeting to allow Mr. Adampour time to provide Board staff with the company's policies and procedures and business model.

The Board tabled this matter at Mr. Adampour's request.

20. Applications for Out-of-State Wholesaler License – Appearance (

Background Check Not Required by Law.

1. Distributor for Single Manufacturer (NAC 639.593(7)(e))
None
2. Manufacturer (NAC 639.593(7)(d))
None
3. Publicly Traded (NAC 639.593(7)(a))
None
4. VAWD-Accredited (NAC 639.593(7)(c))

A. KeySource Acquisition, LLC – Cincinnati, OH

Robert Barnes, Senior Director of Compliance, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Barnes presented a Letter of Authorization allowing him to speak on behalf of the company.

The Board questioned Mr. Barnes regarding KeySource Acquisition, LLC's products and services provided and past disciplinary history.

Mr. Barnes answered questions to the Board's satisfaction.

Board Action:

Motion: Krystal Freitas moved to approve KeySource Acquisition, LLC's Application for Out-of-State Wholesaler License.

Second: Rolf Zakariassen

Action: Passed unanimously.

5. Manufacturer and VAWD-Accredited (NAC 639.593(7)(c) and (d))
None

6. Publicly Traded and Manufacturer (NAC 639.593(7)(a) and (d))
None

7. Publicly Traded and VAWD-Accredited (NAC 639.593(7)(a) and (c))

B. Cardinal Health 108, LLC – Laverne, TN

This matter was heard in conjunction with Agenda Items 18A and 23.

Board Action:

Motion: Jade Jacobo moved to approve Cardinal Health 108, LLC's Application for Out-of-State Wholesale License.

Second: Richard Tomasso

Action: Passed unanimously.

Background checks completed in compliance with NRS 639.500. No Disqualifying Events.

C. Clean Harbors Aragonite, LLC – Dugway, UT

William Simmons, facility manager, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Simmons explained that Clean Harbors Aragonite, LLC is waste management facility in Utah that will provide drug destruction services.

Mr. Simmons answered questions to the Board's satisfaction regarding drug destruction procedures and past discipline.

At the applicant's request, the Board updated Clean Harbors Aragonite, LLC's application to include legend pharmaceuticals, supplies or devices and poisons or chemicals to the type of products to be handled or wholesaled by the company.

Board Action:

Motion: Gener Tejero moved to approve Clean Harbors LLC's Application for Out-of-State Wholesale License with the updated products as discussed.

Second: Jade Jacobo

Action: Passed unanimously.

D. Fresenius Kabi, LLC – Duncan, SC

Ryan Kunz, Vice President Fresenius Kabi, LLC, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Kunz explained that Fresenius Kabi, LLC is expanding their distribution centers to allow for more effective and timely shipping of product.

Mr. Kunz disclosed past discipline in Colorado, Montana, and Michigan due to a name change that was not properly submitted on time. Products were shipped into Colorado before the company's updated license was issued.

Mr. Kunz described the changes in Fresenius Kabi, LLC's policies to prevent this error from occurring in the future.

Mr. Kunz answered questions to the Board's satisfaction.

Board Action:

Motion: Wayne Mitchell moved to approve Fresenius Kabi LLC's Application for Out of State Wholesaler License.

Second: Jade Jacobo

Action: Passed unanimously.

E. Janus Trade Group LLC – Eatontown, NJ

This Agenda Item has been continued to the September 2020 Board meeting.

21. Request for Reduction of Wholesaler Surety Bond pursuant to NAC 639.5937 – Non Appearance

B & B Pharmaceuticals Inc. – Englewood, CO

Gener Tejero disclosed that his pharmacy has a business relationship with B&B Pharmaceuticals Inc. but stated that he can participate in this matter fairly and without bias.

Board discussion ensued regarding the authority to reduce a Wholesaler Surety Bond pursuant to NAC 639.5937.

Mr. Kandt stated that B&B Pharmaceuticals has been licensed with the Nevada Board of Pharmacy for eight years with no issues.

Mr. Kandt explained that B & B Pharmaceuticals requests the Board reduce their surety bond to \$5,000.

Board Action:

Motion: Jade Jacobo moved to reduce the bond for B&B Pharmaceuticals Inc. to \$5,000.

Second: Rolf Zakariassen

Action: Passed unanimously.

22. Application for Nevada Pharmacy License – Appearance

A. All City Pharmacy #2 – Las Vegas, NV

Gener Tejero disclosed that he has a business relationship with Bill Stilling but stated that he can participate in this matter fairly and without bias.

Jade Jacobo disclosed that she has worked with Kristy Tran in the past, but stated that she is able to participate in this matter fairly and without bias.

Kristy Tran, managing pharmacist, appeared and was sworn by President Park prior to answering questions or offering testimony.

Bill Stilling was present as counsel representing All City Pharmacy #2.

Ms. Long stated that All City Pharmacy #2 has appeared before the Board at a prior meeting. She explained that at that time the Board offered All City Pharmacy #2 the option to table their application to find a designated representative who met the requirements of Nevada Law.

Ms. Tran answered questions to the Board's satisfaction regarding her work history and experience as a pharmacy manager.

Mr. Dodge stated that he completed an inspection of All City Pharmacy #2 and reported positive results of his inspection.

Ms. Tran and Mr. Stilling answered questions to the Board's satisfaction.

Board Action:

Motion: Jade Jacobo moved to approve All City Pharmacy #2's Application for Nevada Pharmacy License with an amendment to remove quarterly inspections. All City Pharmacy #2 shall notify the Board prior to performing any sterile or non-sterile compounding.

Second: Richard Tomasso

Action: Passed unanimously.

B. Capsule Las Vegas, LLC – Las Vegas, NV

President Park disclosed that she is familiar with Capsule Las Vegas' designated representative, but she can participate in this matter fairly and without bias.

Laura Churns appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Churns explained that Capsule Las Vegas, LLC is a retail pharmacy that provides delivery service.

The Board questioned Ms. Churns regarding Capsule Las Vegas, LLC's products and services provided, delivery

Ms. Churns answered questions to the Boards satisfaction.

Board Action:

Motion: Krystal Freitas moved to approve the application for Capsule Las Vegas LLC.

Second: Wayne Mitchell

Action: Passed unanimously.

23. Applications for Out-of-State Medical, Devices, Equipment and Gases License – Appearance

Cardinal Health 200, LLC – Swedesboro, NJ

This matter was heard in conjunction with Agenda Items 18 A and 20 B.

Board Action:

Motion: Jade Jacobo moved to approve Cardinal Health 200, LLC's Application for Out-of-State MDEG License.

Second: Richard Tomasso

Action: Passed unanimously.

24. Application for Nevada Medical, Devices, Equipment and Gases License – Appearance

A. AMG Medical Supplies LLC – Pahrump, NV

Donald Amador, owner, and Steven McBride, MDEG administrator, appeared and were sworn by President Park prior to answering questions or offering testimony.

Mr. Dodge provided the Board with background information. AMG Medical Supplies LLC has a new location in Pahrump, Nevada. In the Las Vegas facility they distribute diapers to Medicaid patients, and wheelchairs.

Steven McBride disclosed DUI's from the past. He stated that he had to take classes which have been completed and fines have been paid.

Mr. McBride answered questions to the Board's satisfaction regarding services provided. Those include but are not limited to: diabetic supplies, assistive devices, and incontinence supplies.

Board Action:

Motion: Jade Jacobo moved to approve AMG Medical Supplies LLC's Application for Nevada MDEG License.

Second: Wayne Mitchell

Action: Passed unanimously.

B. Pop Durable Medical Equipment- Las Vegas, NV

There was not representative present.

25. Application for Ambulatory Surgery Center License – Appearance

A. Advanced Orthopaedic Surgery Center – Las Vegas, NV

Mary Grear, managing pharmacist, Timothy Trainer, MD and part owner, and Charmaine Keeling, RN, appeared and were sworn by President Park prior to answering questions or offering testimony.

Ms. Grear stated that Advanced Orthopaedic Surgery is a locally owned and operated facility in Las Vegas that specializes in Orthopedic Surgery. Ms. Grear explained that the company will not do implants for pain management and there will be no pain pumps by surgeons.

Ms. Grear, Dr. Trainer and Ms. Keeling answered questions to the Board's satisfaction.

Board Action:

Motion: Wayne Mitchell moved to approve Advanced Orthopaedic Surgery Center's Application for Ambulatory Surgery Center License.

Second: Jade Jacobo

Action: Passed unanimously.

B. Seven Hills ASC – Henderson, NV

Mary Grear, managing pharmacist, Lottie Barnes, administrator, and Davil Navratil, Medical Director, appeared and were sworn by President Park prior to answering questions or offering testimony.

Ms. Grear explained that Seven Hills ASC is seeking the Board's approval for an ownership change.

Ms. Grear disclosed Seven Hills ASC's past administrative action from 2002. She stated that the company failed to provide documentation in a timely manner for a medical board meeting.

Ms. Grear stated that Seven Hills ASC will be mostly focused on Gastrointestinal and eye procedures.

Ms. Grear, Ms. Barnes and Dr. Navratil answered questions to the Board's satisfaction regarding the new ownership and services provided.

Board Action:

Motion: Wayne Mitchell moved to approve Seven Hills ASC's Ownership Change Application for Ambulatory Surgery Center License.

Second: Gener Tejero

Action: Passed unanimously.

26. Request for Permission to Begin Shipping Sterile Compounded Drugs from Existing Out-of-State Pharmacies – Appearance

Avrio Pharmacy – Scottsdale, AZ (PH03822)

Kory Muto appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Dodge provided background information on Avrio Pharmacy. They are licensed in Arizona and ship into Nevada. They are a specialty pharmacy moving into sterile compounding.

Mr. Muto answered Mr. Dodge's questions to the Board's satisfaction regarding Avrio Pharmacy's products and services provided, compounding policies and procedures, clean room specifications and testing and shipping procedures.

Board Action:

Motion: Jade Jacobo moved to approve Avrio Pharmacy's Request for Permission to Being Shipping Sterile Compounded Drugs into Nevada.

Second: Krystal Freitas

Action: Passed unanimously.

27. Request to Engage in the Practice of Pharmacy at a Site Other than a Licensed Pharmacy – Appearance

KayLynn Bowman, R.Ph

KayLynn Bowman appeared and was sworn by President Park prior to answering questions or offering testimony

Ms. Bowman stated that due to Covid-19 she had to modify her practice to include alternative ways to communicate with her patients including providing medication therapy management services by telephone.

Board Action:

Motion: Jade Jacobo moved to approve KayLynn Bowman's request to engage in the practice of pharmacy at a site other than a licensed pharmacy.

Second: Wayne Mitchell

Action: Passed unanimously.

28. General Counsel Report

Mr. Kandt provided the Board with information on outstanding and resolved litigations against the Board.

29. Executive Secretary Report:
- A. Financial Report
 - B. Temporary Licenses-two additional licensees since the last meeting.
 - C. Staff Activities:
 - Meetings with Other Health Care Boards
 - COVID-19
 - Emergency Regulation Update
 - Presentation to GME UNLV
 - D. Report to Board:
 - Licensing Software Update
 - E. Board Related News
 - F. Licensing Activities Report
 - PMP Integration

◆ PUBLIC HEARING ◆

Wednesday July 16, 2020 – 9:00 am

30. Notice of Proposed Regulation Public Hearing Pursuant to NRS 233B.061(2)
- A. **Amendment of Nevada Administrative Code (NAC) Chapter 639.** The proposed regulation relates to the licensing and regulation of wholesalers. (LCB File No. R040-20)

Mr. Kandt provided background information. He stated that the proposed amendment clarifies the licensing and background check procedures to comply with each recommendation from the audit.

President Park opened the Public Comment.

There was no public comment.

After discussion, Mr. Kandt requested correction to p.11 to state “the wholesaler shall cease conducting business in Nevada.”

Board Action:

Motion: Jade Jacobo moved to adopt LCB File No. R040-20 with corrections as discussed.

Second: Richard Tomasso

Action: Passed unanimously.

- B. **Amendment of Nevada Administrative Code (NAC) Chapter 639.** The proposed regulation authorizes the Executive Secretary of the Board to require a person who submits an application to appear before the Board if the application indicates that the applicant engaged in prohibited conduct. (LCB File No. R041-20)

Mr. Kandt provided background information and explained that the proposed amendment to LCB File No. R041-20 codifies Board Staff current procedure that a licensee appear before the Board if they disclose committing a crime or had an administrative action.

President Park opened the Public Comment.

There was no public comment.

Board Action:

Motion: Jade Jacobo moved to adopt LCB File No. R041-20.

Second: Krystal Freitas

Action: Passed unanimously.

◆ WORKSHOP ◆

Wednesday July 16, 2020 – 9:00 am

31. Notice of Proposed Regulation Workshop Pursuant to NRS 233B.061(2)

- A. **Amendment of Nevada Administrative Code (NAC) 639.** The proposed amendment will authorize a pharmacy technician with appropriate training to administer immunizations under the direct supervision of a pharmacist.

Ms. Long presented to the Board that this proposed regulation expands the role of allowing pharmacy technicians to administer immunizations. This mirrors the responsibility of Medical Assistants. Pharmacy Technicians who wish to assist in immunizations will need to complete additional requirements such as annual training on immunization.

President Park opened Public Comment.

Melissa Shake, RPh Walgreens, expressed support of the proposed language as this would give time for pharmacists to better evaluate patients.

Lauren Paul, CVS Health, expressed support of the proposed language and discussed the CDC guidance on the importance of immunization, especially with a potential vaccine for Covid-19. Ms. Paul stated that allowing pharmacy technicians to immunize would help to lower the burden on health care workers.

Tim Frost, CVS Health, expressed support of the proposed language and he discussed the training for pharmacy technicians in other states who have begun providing immunization.

Dahn Ur, Department of Health, expressed support of the proposed language and stated that allowing pharmacy technicians to immunize is a good step forward.

Liz MacMenamin, RAN, expressed support of the proposed language and stated that there is a need to move this forward quickly as pharmacies will need to plan and prepare.

Mr. Wuest read into the record submitted public comment suggesting that pharmacy technicians should have to complete additional training and complete a CPR training course in order to give vaccinations.

Board discussion ensued regarding the training of pharmacy technicians regarding vaccination as well as pharmacist supervision of pharmacy technicians while they administer vaccinations.

After discussion, the Board directed Board staff to include all routes of administrations to the proposed language.

Board Action:

Motion: Jade Jacobo moved to approve the proposed language and move forward to Public Hearing with the amendment to include all routes of administration.

Second: Wayne Mitchell

Action: Passed unanimously.

B. Amendment of Nevada Administrative Code (NAC) 453.510: Schedule I. The proposed amendment to NAC 453.510 will add designer benzodiazepines (Adinazolam (some trade or other names: 8-chloro-1-((dimethylamino)methyl)-6-phenyl-4H-s-triazolo(4,3-a)(1,4)benzodiazepine; adinazolamum; Deracyn); Bromazolam (some trade or other name: 8-bromo-1-methyl-6-phenyl H[1,2,4]triazolo[4,3a][1,4]benzodiazepine; XLI-268); Clonazolam (some trade or other names: 6-(2-chlorophenyl)-1-methyl-8-nitro-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine; clonitrazolam); Diclazepam (some trade or other names: 7-chloro-5-(2-chlorophenyl)-1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one; 7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-benzo[e][1,4]diazepin-2-one; 2'-chlorodiazepam; Chlorodiazepam; Ro 5-3448); Flualprazolam (some trade or other names: 8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine; 8-chloro-6-(2-fluoro-phenyl)-1-methyl-4h-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine; 2'-fluoro alprazolam; ortho-fluoro alprazolam); Flubromazepam (some trade or other names: 7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one; 7-Bromo-5-(2-fluorophenyl)-1H-benzo[e][1,4]diazepin-2(3H)-one; [7-bromo-5-\(2-fluorophenyl\)-1,3-dihydro-1,4-benzodiazepin-2-one](#)); Flubromazolam (some trade or other names: 8-bromo-6-(2-

fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flunitrazolam (some trade or other names: 6-(2-fluorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine); Flutoprazepam (some trade or other names: 7-chloro-1-(cyclopropylmethyl)-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Meclonazepam (some trade or other names: (3S)-5-(2-chlorophenyl)-1,3-dihydro-3-methyl-7-nitro-2H-1,4-benzodiazepin-2-one; Ro 11-3128); Nifoxipam (some trade or other names: 5-(2-fluorophenyl)-1,3-dihydro-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one; [1,3-Dihydro-5-\(2-fluorophenyl\)-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one](#); 3-hydroxydesmethylflunitrazepam; DP 370); Nitrazolam (some trade or other names: 1-methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Norflurazepam (some trade or other names: 7-chloro-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one; nor-Flurazepam; N-Desalkylflurazepam; Desalkylflurazepam; Ro 5-3367); Phenazepam (some trade or other names: 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one; 7-bromo-5-(2-chlorophenyl)-1,2-dihydro-3H-1,4-benzodiazepin-2-one; BD 98; Fenazepam; Elzepam; Phezepam; Phenorelaxan; Phenzitat); Pyrazolam (some trade or other names: 8-bromo-1-methyl-6-(2-pyridinyl)-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine; [8-bromo-1-methyl-6-\(pyridin-2-yl\)-4H-benzof\[1,2,4\]triazolo\[4,3-a\]\[1,4\]diazepine](#); [Pirazolam](#)), to the list of controlled substances listed in Schedule I.

Mr. Wuest provided background on this amendment to include additional names of designer drugs related to fentanyl. This came from meetings with the Crime Lab and trends they have been seeing.

President Park opened Public Comment.

There was no public comment.

Board Action:

Motion: Jade Jacobo moved to approve the amended regulation and move forward to Public Hearing.

Second: Wayne Mitchell

Action: Passed unanimously.

- C. Amendment of Nevada Administrative Code (NAC) 453.510: Schedule I (Two active compounds in Kratom (*Mitragyna speciosa korth*)).** The proposed amendment to NAC 453.510 will add Mitragynine (some trade or other names: methyl (E)-2-[(2S,3S,12bS)-3-ethyl-8-methoxy-1,2,3,4,6,7,12,12b-octahydroindolo[2,3-a]quinolizin-2-yl]-3-methoxyprop-2-enoate; α E,2S,3S,12bS)-3-ethyl-1,2,3,4,6,7,12,12b-octahydro-8-methoxy- α -(methoxymethylene)-indolo[2,3-a]quinolizine-2-acetic acid methyl ester; (E)-16,17-didehydro-9,17-dimethoxy-17,18-seco-20 α -yohimban-16-carboxylic acid methyl ester; 9-methoxy Corynantheidine) and Hydroxymitragynine (some trade or other names: 7-hydroxymitragynine, (α E,2S,3S,7aS,12bS)-3-ethyl-

1,2,3,4,6,7,7a,12b-octahydro-7a-hydroxy-8-methoxy- α -(methoxymethylene)-indolo[2,3-a]quinolizine-2-acetic acid methyl ester; 9-methoxycorynantheidine hydroxyindolenine; mitragynine hydroxyindolenine), to the list of controlled substances listed in Schedule I.

Mr. Wuest reported to the Board that the Crime Lab has seen an increase in Kratom related issues. He explained that the proposed amendment would make both components of Kratom a Schedule I drug.

Mr. Kandt read into the record the written public comment submitted by Laura Knight expressing support of the proposed language.

Mr. Dodge read into the record the written public comment submitted by Join Together Northern Nevada expressing support of the proposed language.

President Park opened Public Comment.

Jamie Ross, PACT Coalition, expressed concern related to community-based issues that revolve around the ease of access to Kratom. Mr. Ross expressed support of the proposed amendment.

Robert Vikre, PACT Coalition, expressed support of the proposed amendment. He explained that in his job as an addiction therapist he has observed many patients turning to Kratom as a way to self-treat opioid dependence.

Board Action:

Motion: Jade Jacobo moved to accept the proposed amendment and move forward to Public Hearing.

Second: Wayne Mitchell

Action: Passed unanimously.

32. Discussion and Possible Action on the Approval of FY 21 Budget

Mr. Wuest presented the FY 21 Budget to the Board's satisfaction.

Board Action:

Motion: Gener Tejero moved to approve the FY 21 Budget as presented.

Second: Jade Jacobo

Action: Passed unanimously.

33. Date and Location of Next Scheduled Board Meeting:

September 2-3, 2020 – Las Vegas, NV

34. Public Comment

President Park opened Public Comment.

There was no public comment.

35. Adjournment